

CITY COUNCIL MINUTES
December 8, 2008
SPECIAL SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, December 8, 2008 at 5:00 p.m. with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: J. M. Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: Kevin Hanley, Bob Snyder (arrived 5:07 p.m., left after Closed Session, returned at the time Item 10 was heard)

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Senior Planner Reg Murray, Fire Chief Mark D'Ambrogi, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Administrative Manager Joanna Belanger,

City Attorney stated that he wanted to provide the Council with the opportunity to add to the closed session agenda an agreement for discussion regarding Lehman Bros. Council supported the additional agenda item finding that prompt action was required and that the need for action came to the attention of the City Council after the agenda was posted. **MOTION: Holmes/Powers/Approved by Voice (Absent Hanley, Snyder)**

By **MOTION** to adjourn to closed session pursuant to Government Code Section 54956.8: **MOTION: Holmes/Powers/Approved by Voice (Absent Hanley, Snyder)**

(1) CONFERENCE WITH REAL PROPERTY NEGOTIATOR
G.C. 54956.8

Property: East Area Hangar Project Ground Lease
Auburn Municipal Airport

Agency
Negotiator: Bob Richardson, City Manager

Negotiating City of Auburn, All Potential Ground Lessors

Parties:

Under Negotiation:

Price and Terms of Payment

(2) **CONFERENCE WITH LEGAL COUNSEL**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation

G/C/ 54956.9(a)

Case: Ronald Fisher and Judy Fisher vs. City of Auburn

Claimants: Ronald Fisher and Judy Fisher

Placer County Superior Court Case No.SVC 23750

REPORT OUT OF CLOSED SESSION

Mayor Nesbitt asked that City Attorney Colantuono explain the pending litigation. City Attorney Colantuono stated, "Council unanimously, which includes Council Members on the dais and Mr. Snyder, authorized the retainer agreement between the City of Auburn and the Law Firm of Conchet, Pitre and McCarty. Pursuant to this agreement that law firm will file a lawsuit against the principals of Lehman Holdings, LLC seeking to recover damages the City incurred when it purchased a bond from Lehman Holdings that was represented as treasury quality debt, which is not treasury quality debt because Lehman is bankrupt. We will refine the language of the agreement, I will sign it, and they will file a lawsuit on the City's behalf, probably early in the New Year."

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Mayor Nesbitt announced the Item 5, Housing Element, was a public hearing item

1. **Minutes**

By **MOTION** approve City Council Minutes of November 10, 2008.

2. **Annual Local Transportation and State Transit**

By **RESOLUTION 08-147** authorize the Director of Public Works to submit and execute on behalf of the City of Auburn the 2008/09 Transportation Development Act (TDA) claims for Local Transportation Fund (LTF) in the amount of \$594,452 and the State Transit Assistance Fund (STA) in the amount of \$47,037 to the Placer County Transportation Planning Agency (PCTPA).

3. **Boys & Girls Club Modular Project – Notice of Completion**

By **RESOLUTION 08-148** authorize the recording of a Notice of Completion for the Boys and Girls Club Modular Project.

4. **Subrecipient Agreement Between the City of Auburn and Sierra Economic Development Corporation**

By **RESOLUTION 08-149** authorize the Community Development Director to execute a Subrecipient Agreement between the City of Auburn and Sierra Economic Development Corporation for the administration of the City of Auburn Program Income Business Revolving Loan Program and provide other economic development assistance.

5. **General Plan Amendment – 2008 Housing Element Update**

Item follows Consent Calendar.

6. **Pacific Gas and Electric Company Easement Deed, Airport Industrial Park, The Abbey Company**

By **RESOLUTION 08-146** authorize the City Manager to execute the Easement Deed to PG&E.

7. **4th Quarter Financial Status Report – Fiscal Year 2007-08**

- A. By **RESOLUTION 08-151** decrease the estimate for earned revenue in the City's General Fund by \$530,536.
- B. By **RESOLUTION 08-152** decrease the appropriation for expenditures in the City's General Fund by \$501,006; and increase the appropriation for expenditures in the City's Office of Traffic Safety Fund by \$3,468.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar with the exclusion of Item 5. **MOTION; Holmes/Powers/Approved 3:0 (Absent Hanley, Snyder)**

5. **General Plan Amendment – 2008 Housing Element Update**

Item was removed from Consent Calendar to provide the opportunity for public comment. There was none.

By **RESOLUTION 08-150** adopt the Negative Declaration and General Plan Amendment for the 2008 Housing Element Update. **MOTION: Holmes/Powers/Approved 3:0 (Absent Hanley, Snyder)**

8. **Public Comment**

Steven Galyardt, 430 Olive Orchard Drive, spoke on behalf of the Chamber of Commerce and the Festival of Lights Parade. He thanked the Council for its donation and for the services that the City provided.

Brent Smith, CEO of Sierra Economic Development Corporation, stated that the Board approved a resolution to commend Bob Snyder for his service on the Board of Directors.

Brian Hayes, 480 Placerado Avenue, thanked the Council and City Manager for their service to the community.

Colfax City Council Member Ken Delfino presented a portion of a real railroad rail and plaque to the Council. He explained that that Colfax High School and Placer High School became football rivals several years ago. He said they looked for a way to bring the rivals together after the annual Colfax-Placer football game. He said they came up with the "rail." He presented a plaque to the Council that read, "The Rail, to the annual victor of the Colfax-Placer football games."

PUBLIC HEARING

9. **Approval of Fire Department Service Fee Schedule**

Fire Chief Mark D'Ambrogi introduced the item. He said he was requesting an increase in the Fire Department's fees schedule. He explained that it was particularly for the cost for apparatus, fire engines and fire trucks. He said the request is based on the California Office of Emergency Services, Rescue Division, which incorporated the FEMA reimbursement fee in its schedule. He said the Auburn Fire Department would like to be consistent with other service fees since mutual aid services are provided between agencies. The Chief advised that whenever there is justification for a fee increase, he would present it to Council.

By **RESOLUTION 08-153** approve the Fire Department Service Fee Schedule. **MOTION: Powers/Holmes/Approved 3:0 (Absent Hanley, Snyder)**

REPORTS

10. **Quarterly Report of Investments – Quarter Ending September 30, 2008**

Administrative Services/Finance Director introduced the item. He provided an investment summary, portfolio/trend analysis, earnings and investment policy exceptions. Council questions and comments followed.

City Treasurer George Williams commended the Council, from a financial standpoint, on an outstanding job.

Receive, review and file the "City of Auburn Quarterly Investment Report" for the quarter ending September 30, 2008.

11. **City Council Committee Reports**

Council Member Snyder said it appears that there will be the opportunity for Federal funding of community projects in the future. He suggested that the Council create an ad hoc committee to begin to identify the City's needs so that, when the time comes, the City can be one of the first to request funding. Council Member Holmes suggested that a good way to approach the situation would be through the City's Administrative Committee.

Mayor Nesbitt said that the City of Auburn will be the Chair for the Placer County Transportation Planning Agency (PCTPA). He said it was up to the previous Chair to call a special meeting regarding the Boys & Girls Club location with respect to the airport. He said the Chair did not call the meeting and the deadline expired.

City Attorney Colantuono said the City will continue to participate in the hearings on the project and believes the deemed approval confirmed by the PCTPA is unauthorized by law.

Council Member Snyder advised that the PCTPA was not made aware of the deadline. He said he found fault with the procedure.

ADJOURNMENT

Adjourn to the meeting of the Auburn Urban Development Authority

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk

CITY COUNCIL MINUTES

December 8, 2008

SPECIAL SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, December 8, 2008 immediately following the Auburn Urban Development meeting with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Color Guard provided by Boy Scout Troop 19

ROLL CALL:

Council Members Present: Bob Snyder, J. M. Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: Kevin Hanley

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Senior Planner Reg Murray, Fire Chief Mark D'Ambrogi, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Administrative Manager Joanna Belanger

1. **Public Comment**

None.

2. **Remarks from the Outgoing Mayor**

Mayor Nesbitt said it was an honor to serve as the City's Mayor for the past year. He said he was fortunate enough to preside over the lighting of the marquee at the State Theater and the opening of the School Park Preserve. He named some of the accomplishments of the Council which included the Streetscape Plan and the Maidu Sidewalk Project to Skyridge School. He outlined some of the challenges including the budget and the regional sewer. He said he felt the voice of the people was heard throughout the year. He expressed his thanks for the opportunity to serve as Mayor.

3. **Election Results**

City Clerk Joseph Labrie read the results of the Canvass of Vote. He said the City of Auburn has 8,570 registered voters. He advised that 7,539 residents voted, equating to 87.9%.

4. **Oath of Office**

Justice Rick Sims administered oath to City Council Members, City Clerk and City Treasurer elected November 4, 2006.

Dr. Bill Kirby	Council Member
Keith Nesbitt	Council Member
George Williams	Treasurer
Joseph Labrie	City Clerk

5. **Council Reorganization**

Mayor Nesbitt presented outgoing Council Member Bob Snyder with a plaque in honor of his service to the City of Auburn.

A. **Nomination and Selection of Mayor**

Mayor Keith Nesbitt declared nominations open for the position of Mayor. Mayor Nesbitt nominated Council Member Holmes. Council approved the nomination by voice.

B. **Nomination and Selection of Mayor Pro Tem**

Newly selected Mayor Holmes declared nominations open for Mayor Pro Tem. Mayor Nesbitt nominated Council Member Bridget Powers. Council approved the nomination by voice.

6. **Oath of Office to Newly Selected Mayor and Mayor Pro Tem**

Justice Sims administered the oath of office to newly selected Mayor Holmes and Mayor Pro Tem Powers.

7. **Presentation from Newly Selected Mayor**

Mayor Holmes presented outgoing Mayor Nesbitt with a plaque in recognition of his service.

8. **Exchange of Council Seats**

Mayor and Council Members were seated in order as set by precedent.

Outgoing Mayor	Seat 1	Nesbitt
Alphabetically Seated	Seat 2	Hanley
New Mayor	Seat 3	Holmes
Alphabetically Seated	Seat 4	Kirby

9. **Planning Commission Appointment**

Council Member Kirby explained that appointing a Planning Commissioner is a very important responsibility. He said the Commission is a tool that the City Council uses to facilitate planning. He explained that they are not an enforcement or policy making body and are not directly responsible to the citizens of Auburn. The Planning Commission's responsibility is to ensure that projects meet the criteria established by the elected officials.

Council Member Kirby advised that he received a number of applications and will review them carefully. He said he wants to interview each applicant and go through a process with them that will allow him to make the best choice. He said that in the meantime he will recommend the appointment Bob Snyder, who is also an applicant for the position. He said Bob Snyder has been a former Planning Commission, Council Member and Mayor and his experience will be an asset to the Commission.

By **RESOLUTION** ratify the Planning Commission appointment of Bob Snyder by Council Member Dr. Bill Kirby. **MOTION: Kirby/Nesbitt/**
Approved 4:0 (Absent Hanley)

10. **Mayor' Address**

Mayor Holmes recognized other elected officials in the audience, Kurt Smith, Auburn Recreation District and County Supervisor Jim Holmes. He thanked Justice Sims for administering the oaths of office to City officials. He also thanked Boy Scout Troop No. 19 and Mr. Anderson and Mr. Smith for the color guard presentation. He thanked the Council for allowing him to serve as Mayor again. He also thanked the citizens of Auburn for his reelection in 2006 and his wife Rita for her support.

Mayor Holmes said the world has changed since last he was mayor three years ago. He said the City of Auburn has already taken steps to deal with the economic downturn. He said one of the issues for the upcoming year will be the budget with the highest priority given to Police, Fire and Public Works. He said a decision will also have to be made as to whether or not the City should stay local with the wastewater treatment plant or go with the regional system. He said he is calling for an Economic Summit to develop a comprehensive economic development strategy for the City. Business-related persons and groups in the community will be asked to attend. He said the City currently has projects underway and some upcoming projects. He said the Airport East Hangar Project should be completed in February which will allow for the leasing of land for further hangar development. He

hangar development. He said he will encourage the annexation of city-owned property adjoining the airport. He advised that the Streetscape project is ongoing. He said the Courthouse parking lot improvement should come before the Council in January. Mayor Holmes said that he expects that a request for proposals for the public-private partnership, regarding the establishment of a solar purchase-power agreement, to be issued within the next two months to lower costs for the City as soon as possible. He said it is anticipated that the Hampton Inn project will break ground by mid-2009. He said discussion continues with Costco regarding its proposed store on Nevada Street. He said the Baltimore Ravine Specific Plan may move forward at a lesser scale. He advised that the street overlay projects may be delayed until funding is available.

Mayor Holmes stated that the most important asset that the City has is its employees and volunteers. He said he is proposing to the City Manager that an Employee of the Quarter be recognized as well as a Volunteer of the Quarter. He said he would like to make presentations by the end of the first quarter of 2009.

Mayor Holmes stated, "As one who served this Country in uniform for over thirty years, I am very sensitive to the proper display of our national colors." He said he has asked that all flags displayed at night be illuminated by the end of January 2009.

Mayor Holmes advised that the City is initiating changes to keep the public and the City Council better informed. He appealed to the residents of Auburn to "Think Auburn First" when making purchases. He said he is working with local merchants to reestablish the lay-away programs to make it easier for customers to make purchases without the use of credit cards and interest fees.

ADJOURNMENT

Mayor Holmes adjourned the meeting. Refreshments in the Rose Room followed.

Keith Nesbitt, Mayor

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk

CITY COUNCIL MINUTES

December 30, 2008

SPECIAL SESSION

The Special Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Tuesday, December 30, 2008 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Kevin Hanley, J. M. Holmes, Bill Kirby, Bridget Powers

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, Engineering Division Manager Bernie Schroeder, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session pursuant to Government Code Section 54957: **MOTION: Nesbitt/Powers/Approved by Voice**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

REPORT OUT OF CLOSED SESSION

Mayor Holmes announced that the City Council voted to extend the contract of the City Manager for an additional two years. He said the contract extension would be presented to the Council for formal action at the next meeting.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Holmes said that he wanted to reinforce with his colleges that e-mail communication must not conflict with the Brown Act. He said when e-mail is received from the City Manager or City staff, members should not "reply to all."

Mayor Holmes asked that Council Members report to the City Clerk the dates, times and places their committee assignment meets. He said that he wants a

complete list of all meeting dates compiled, so that he and the City Manager will be aware of all the meetings on a day-to-day basis.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

PUBLIC COMMENT

None

COUNCIL BUSINESS

1. Assignment of Auburn Airport Industrial Park Ground Lease from DGA-Auburn to Miltenyi Biotech

Council Member Bill Kirby stated that he used to own a hangar within 500' of the site and is still on title. He said the City Attorney advised that since he does not have a fiduciary responsibility or obligation for the hangar that he does not have to recuse himself for the vote.

Administrative Services Director Heath stated that the item is to approve the assignment of a lease between the City of Auburn and DGA-Auburn, dba Coherent, to Miltenyi Biotech. He advised that the Council previously approved lease assignments, previously held by Coherent, to DGA-Auburn, subsequent to the sale of buildings by Coherent to DGA-Auburn. He said Council also approved the amended and restated lease for two parcels, subsequent to the completion of the property improvements required by the City. DGA-Auburn complied with the deferred maintenance agreement. He advised that DGA-Auburn now wants to assign the lease for parcel #3 to existing airport tenant, Miltenyi Biotech, as part of the sale with them.

By **RESOLUTION 08-154** authorize the City Manager or his designee to:

- A. Approve the assignment and assumption of the Amended and Restated Land Lease – Parcel #3 between the City of Auburn, DGA-Auburn LLC, and Miltenyi Biotech, Inc;
- B. Approve for recording by the Placer County Recorder's Office Memoranda of Lease for DGA-Auburn, LCC Parcels #3 and #4; and

- C. Approve for recording by the Placer County Recorder's Office the Declaration of Covenants, Conditions and Restrictions (CCR) for all DGA-Auburn leased parcels (Parcels #1, #2, #3, #4).

MOTION: Nesbitt/Powers/Approved 5:0

ADJOURNMENT

Mayor Holmes, without objection, adjourned the meeting at 6:20 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk

